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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/569,001

09/19/2006

Yoshimasa Tanaka

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07/28/2009

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EXAMINER

KASTLER, SCOTT R

ART UNIT

PAPER NUMBER

1793

MAIL DATE

DELIVERY MODE

07/28/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/569,001	Applicant(s) TANAKA ET AL.	
	Examiner Scott Kastler	Art Unit 1793	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 June 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 18-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 18-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Laughlin.

Laughlin teaches a heat treatment apparatus in the embodiment of figure 6 for example, including a support means (26) for supporting and rotating a workpiece, and a stationary induction coil (16) showing all aspects of the above claims since the manner or method of use of the claimed apparatus (what type of workpiece is treated) cannot be relied upon to fairly further distinguish claims to the apparatus itself. see MPEP 2114 and 2115.

Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Del Paggio et al. Del Paggio et al teaches a heat treatment apparatus in the embodiment of figure 2 for example, including a support means (70, 150) for supporting and rotating a workpiece above a cooling bath, and a pair of partial stationary induction coils (280) which can be rectangularly shaped (see fig. 5 for example) showing all aspects of the above claims since the manner or method of use of the claimed apparatus (what type of workpiece is treated) cannot be relied upon to fairly further distinguish claims to the apparatus itself. see MPEP 2114 and 2115.

Claims 1-5 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Cachat. Cachat teaches a heat treatment apparatus in the specification at col. 3 lines 50-65 for example, including a support means (a chuck and support arrangement) for supporting and rotating a

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workpiece, and partial stationary induction coils (66, 70) showing all aspects of the above claims since the manner or method of use of the claimed apparatus (what type of workpiece is treated) cannot be relied upon to fairly further distinguish claims to the apparatus itself. see MPEP 2114 and 2115.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-12 and 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Del Paggio et al in view of Japanese 58107418 (JP'418). As applied to claims 1-5 above Del Paggio et al shows all aspects of the above claims except the use of a refractory or ceramic as the material for the support means, since the use of the apparatus for the treatment of a specific type of workpiece (a helical coil treated in any particular manner) cannot be relied upon to fairly further distinguish claims to the apparatus itself (see MPEP 2114 and 2115). JP'418 teaches that it was known in the art at the time the invention was made to design support bars for supporting workpieces subject to induction heating out of a refractory ceramic that itself would not be subject to heating. Because Del Paggio recites no specific material for the construction of its support members, motivation to employ a known refractory of ceramic material as taught by JP'418 for construction of these components, would have been a modification obvious to one of ordinary skill in the art at the time the invention was made.

Response to Arguments

Applicant's arguments filed on 6/3/2009 have been fully considered but they are not persuasive. Applicant's argument that the devices of the applied references cannot rotate freely with the application of an external force since they are rotatably supported by the apparatus is not persuasive. This is the same limitation and arrangement as that of the instant claims where the apparatus must support the workpiece for rotation. In the case of the applied references for example, since no mention is made in the instant claims as to the type or source of the external force, the application of any type of force, such as from a motor etc, not part of the workpiece would meet this limitation.

Applicant's further argument that the induction coils of the applied art do not recite employing 20,000 watts of heat is also not persuasive. The actual degree of heating performed by the apparatus is a limitation regarding the use of the apparatus, and since if desired any of the coils of the applied prior art could if desired be operated in this manner, then the applied prior art meets this limitation whether or not the actual degree of heating is disclosed or suggested by the prior art. See MPEP 2114.

Applicant's further arguments that the applied art does not teach the coil shapes or configurations are also not persuasive because as stated above, the instantly recited coil shapes are shown at least by Del Paggio, while the situation of the apparatus around a specific workpiece type is a limitation dealing with the manner or method of use of the claimed apparatus and the apparatus of the applied prior art could, if desired be employed in the recited manner.

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Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Kastler whose telephone number is (571) 272-1243. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Roy King can be reached on (571) 272-1244. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Scott Kastler/
Primary Examiner, Art Unit 1793

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